

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matters of)	
)	
Deployment of Wireline Services Offering)	CC Docket No. 98-147
Advanced Telecommunications Capability)	
)	
and)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the)	
Telecommunications Act of 1996)	

**COMMENTS OF IP COMMUNICATIONS CORPORATION ON SIXTH FURTHER
NOTICE OF PROPOSED RULMAKINNG IN CC DOCKET NO. 96-98**

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On January __, 2001, the Federal Communications Commission (“FCC”) issued its Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98 (“*Further Line Sharing Unbundling Notice*” or “*Notice*”) and published in __ Fed. Reg. ____ (February 6, 2001). In that notice, the FCC seeks comment regarding additional steps that ought to be taken to further implement line sharing. IP Communications Corporation (“IP”) is a Digital Subscriber Line (“DSL”) Competitive Local Exchange Carrier (“CLEC”) (collectively referred to as a “DLEC”) that will be immediately affected by the FCC’s *Further Line Sharing Unbundling Notice* and the eventual order on that notice.

INTRODUCTION AND SUMMARY

The *Further Line Sharing Unbundling Notice* seeks comment regarding “how” the Commission’s rules should be modified to reflect a national policy to require incumbent local exchange carriers (“ILECs”) to provide line sharing when there is fiber in the loop. Because next generation digital loop carrier systems (“NGDLCs”) also relate to situations where there is fiber in the loop, there is some necessary overlap between this notice and the *Fifth Further*

Notice of Proposed Rulemaking in CC Docket No 96-98 (“*NGDLC Unbundling Notice*”). Effective and timely resolution of these notices is critical to DLECs being able to compete on a level playing field with incumbents. In SBC’s territory, for example, DLECs have sought unbundled access to SBC Project Pronto architecture, both for line sharing and for standalone data loops, ever since SBC changed its policy position and refused to such unbundling. SBC has refused such access in all of its states including those states in which it has received and/or seeks 271 relief. CLECs in SBC’s territory are already suffering from discriminatory policies. Timely resolution of these notices will lessen the degree of SBC’s unfair competitive advantage over its competitors.

Also, there should be no misunderstanding that the issues addressed herein will be of critical importance. NGDLCs and other loop fiber solutions are an ever growing portion of the incumbent network configuration. These configurations are not wholly redundant and separately maintained from existing networks. Instead, they are becoming the incumbent network. This Commission’s rules must recognize that these configurations are not exceptions or unique circumstances that can be overlooked or that need special exceptions. Instead, this Commission need only adapt existing rules to provide the explicitness necessary to assure full compliance with minimal litigation and “teeth pulling” As an example, the discussion in the *Notice* at times loses sight of the fact that the major policy decisions favoring loop unbundling and line sharing have already been made. For example, the discussion regarding whether fiber feeder loop should be treated as “shared transport” or otherwise is missing a key fact. Incumbents today provide UNE 8db loops over such fiber. For example, in Texas, Southwestern Bell Telephone Company (“SWBT”) is required to provide the UNE platform (“UNE-P”) over both copper and fiber loop facilities. Such a requirement is consistent with this Commission’s existing loop unbundling policies. As a result, the only extension to the existing policy in that area is to clarify that the

line sharing obligations shall apply equally to copper and fiber loop facilities regardless of the DLC equipment used so long as such unbundling is technically feasible.

IP in particular is affected by this proceeding. IP is a DLEC whose business plan has a very heavy focus on residential and small/medium business. As such, IP is looking for any and all mechanisms to expand its ability to provide advanced services to the broadest level of end users. Line sharing provides tremendous benefits to IP, customers, and incumbents. It not only assures a more efficient use of existing facilities but also enhances and speeds the provisioning process.

I. RESPONSES TO SPECIFIC QUESTIONS

A. Collocation of Line Cards

At paragraph 56, the Commission seeks comment regarding a requesting carrier's ability to physically or virtually collocate a line card at a remote terminal's DLC. As IP responded to the *NGDLC Unbundling Notice*, CLECs require the ability to collocate cards at the incumbents DLC. Specifically, this right has the effect of placing a check on any restrictive practices on the part of the incumbents. In other words, CLECs can use this ability to install equipment upgrades necessary to support line sharing when the incumbent refuses to do so. Should incumbents maintain open and liberal policies regarding the management of their DLCs, IP does not currently contemplate that it will deploy its own line cards. That said, IP requires the ability to self-provision line cards through appropriate collocation arrangements should incumbents fail to maintain such policies.

B. Dark Fiber as an Alternative

At paragraph 57, the Commission seeks comment on: (1) the extent to which subloops and dark fiber are readily available where incumbents have deployed fiber in the loop, and (2)

the extent to which dark fiber is an adequate substitute for the sharing of fiber feeder subloop. IP supports the comments filed by Rhythms in response to the NGDLC Unbundling Notice that was referenced by the Commission at footnote 126. Although there may be circumstances where dark fiber can be useful, and indeed in those circumstances incumbents need to facilitate the physical and virtual collocation of loop electronics, dark fiber is simply not a cost effective alternative to existing feeder fiber when offering line sharing. DSL is a mass-market product. To achieve such a mass market, competitors, like incumbents, need efficient ordering, provisioning, and maintenance capabilities. Use of in-place, existing loop plant facilitates these needs for competitors and incumbents. Dark fiber, on the other hand, is treated like a special project making the ordering, provisioning, and maintenance complex and manual.

A requirement to use dark fiber has additional problems. One of the overriding tenants of this Commission's unbundling rules is that competitors require the ability to share in the economies of the incumbent's network if they are going to be able to compete on a level playing field. A requirement to use dark fiber in lieu of sharing the fiber feeder is contrary to that notion. A CLEC like IP could have customers in over 200 SWBT central offices in Texas alone. Moreover, there will likely be well over two thousand DLCs served by those central offices. By sharing the fiber feeder serving those DLCs, IP can mass market to customers served in all of those areas. If, on the other hand, IP had to develop a dark fiber arrangement at each and every DLC, IP as well as all similarly situated competitors would have to restrict its offerings. The result will be that a large percentage of customers will not achieve the benefits of competition and technological innovation.¹

Regarding the availability of fiber, IP has limited information on this point. It is generally IP's understanding that in many situations dark fiber will be available to remote

¹ This concern applies to all states and incumbents. Moreover, the lack of competitive capabilities could require a reevaluation as to the existence of irreversible competition in those states where 271 relief has been granted.

terminals and even deeper into the loop plant. That said, such dark fiber availability will not be ubiquitous. As such, a CLEC would not be able to rely on a business plan that assumed the availability of dark fiber to all, or nearly all, DLCs in an incumbent's network.

C. Feasibility to Migrate Customers Served by the DLC to All-Copper Loops

At paragraph 58, the Commission seeks comment on the feasibility to migrate a customer serviced by the DLC onto an all-copper loop to facilitate line sharing. This process, commonly referred to as a line and station transfer ("LST") is viable on an order by order basis. In fact, LSTs are commonly provided as part of the provisioning process. That said, LSTs are not viable as a long-term solution. In the early stages of DSL deployment when the take rate is relatively low, there is the ability to provide LSTs to "swap" loops so that the line sharing capabilities can be garnered from the all copper loop. However, there are only so many opportunities to make use of an LST. As each LST is performed, the availability of "excess" all copper loops is lessened. This reality is most acute when one recognizes the incumbents' "headstart" in DSL that was chronicled by this Commission's original line sharing order. Because incumbents refused to provide line sharing even though they were line sharing with themselves, the incumbents have disproportionately benefited from the LST process because they have received the first opportunity at the scarce supply of all copper loops.

Also, as was discussed with dark fiber, LSTs are not a ubiquitous solution. LSTs are a common simple process when the necessary facilities are available; however, the availability of an LST assumes a neighborhood is serviced by both a DLC infrastructure as well as an all copper infrastructure. Such dual occurrence is the exception, not the rule. Particularly in newer subdivisions, if a DLC infrastructure is available, an all copper infrastructure will not. As a result, LSTs are not a viable alternative to a DLC line sharing requirement. Instead, LSTs are a tool that should remain available as an option but they are not sufficiently available to be a large-scale alternative or solution.

D. Line Sharing over NGDLC

In paragraph 59, the Commission seeks comment regarding the ability to line share over NGDLC infrastructures. First, IP notes an incorrect factual assumption in paragraph 59. The Commission states the following, “Under this arrangement, the voice and data traffic are routed on separate fiber paths back to the central office We note that SBC is currently offering competitors such an arrangement, as described in the Commission’s *Project Pronto Order*.” In numerous forums, IP has attempted to dispel this myth that has been perpetuated by SBC’s limited public discussion of Project Pronto. There is nothing inherent in an NGDLC architecture that causes voice and data traffic to follow separate fiber paths. Instead, the paths will be determined by the equipment choices of the incumbent. In Project Pronto, for example, separate fibers for voice and data traffic are sometimes utilized. On other occasions, the same fiber is shared by voice and data traffic. For example, when the Litespan 2000 is being utilized, voice is carried on one fiber while data is carried by another. On the other hand, when SBC uses a UMC-1000, voice and data are carried on the same strand of fiber.

Not only does the above correct a key assumption, it also points out the arbitrariness of allowing the ILECs choice of wiring affect the extent of the incumbent’s line sharing obligation. An incumbent must simply not be able to water down its unbundling obligations and the intent of section 251 of the Act by its choice of vendors and equipment. Instead, regardless of whether a particular equipment vendor chooses, for internal reasons, to separate commingled traffic for routing purposes, the traffic is effectively line shared from the customer’s premises to the central office. Stated another way, the traffic originates on a shared line and is returned to the same central office location. IP has not sought to tell incumbents which NGDLC vendors they must use. Similarly, incumbents must not be allowed to tell IP what its rights are based on that choice of vendor.

E. Relationship between Line Sharing and Collocation Availability

Also in paragraph 59, the Commission seeks comment regarding how the availability of line sharing should be related to the availability of collocation at a remote terminal. In addition to the comments stated herein, IP incorporates by reference its previously filed comments regarding NGDLC unbundling and Project Pronto.² The availability of fiber feeder line sharing should not be dependant on the availability of remote terminal collocation space any more than the ability to line share over copper feeder should be so dependant.

As the FCC notes in its *Notice*, CLECs have expended a significant amount of resources to collocate in central offices in order to serve customers with loops that terminate to those offices. To the extent that incumbents are able to lessen loop access at central offices by limiting customer access to remote terminal locations, those sunk investments become less viable as locations from which CLECs can serve customers.

Beyond the diminished viability of central office collocations, remote terminal collocation is not an economically viable alternative to service customers in a mass market. This Commission appears to have been on the brink of reaching this conclusion in its *UNE Remand Order*.³ Regarding a less expensive central office collocation model, the FCC stated the following in paragraph 306 (starting at the fourth sentence):

In other segments of the market, namely, residential and small business, we conclude that competitors may be impaired in their ability to offer service without access to incumbent LEC facilities due, in part, to the cost and delay of obtaining collocation in every central office where the requesting carrier provides service using unbundled loops. We conclude, however, that given the nascent nature of the advanced services marketplace, we will not order unbundling of the packet switching

² For related discussion please see IP comments on the NGDLC Unbundling Notice filed in these dockets on October 12, 2000 and November 14, 2000. Additionally, please see IP's comments supporting Comptel's motion for reconsideration that were filed on November 2, 2000 in CC Docket No. 98-141.

³ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC 99-238 at ¶ 304 (rel. Nov. 5, 1999) ("*UNE Remand Order*").

functionality as a general matter [i.e. in addition to the limited circumstances discussed in paragraph 313.] (Bracketed portion added.)

Line sharing over DLCs, whether traditional or NGDLCs, is applicable to the concerns discussed in that order. First, the Commission raised a concern that competitors may not be able to reasonably compete for residential and small business customers if packet switching is not unbundled. DLC line sharing will be predominantly designed to serve the residential market. Second in priority to the residential market is the small business market. These are the market segments that will require data communications but will be looking for cost effective alternatives that may have less bandwidth than that sought by larger business customers. As a result, DLC line sharing will be targeted to the customer classes for which the FCC held out its greatest concern. Second, the FCC's concerns were based on the comparison between the less lucrative residential and small business customer classes and the CLEC's cost to collocate in every central office where service would be provided. DLC architectures can create substantially greater costs than the FCC contemplated. Instead of collocating at every central office, a CLEC could be required to interconnect separately at every remote terminal or serving area interface ("SAI")⁴. In certain parts of Austin, Texas, for example, there are up to 100 SAIs at a single central office. Hence, competitors based on SBC's initial design of Project Pronto, as an example, could have needed to up to 100 additional collocation installations – each to serve a small subset of the office's potential demand.⁵ Even in situations where CLECs have access to cooper at the remote terminal ("RT") that houses a DLC, the number of RTs per central office can exceed 20. Consequently, a CLEC would

⁴ SAIs are also referred to as feeder distribution interfaces ("FDIs").

⁵ See also page 4 of SBC's original Investor Briefing regarding Project Pronto which states that SBC will "place or upgrade approximately 25,000 remote terminals" creating "neighborhood broadband gateways to about 1,400 central offices throughout SBC's 13-state territory". Thus, using SBC's numbers, there will on average be almost 18 RTs with next generation digital loop carriers ("NGDLCs") per office. Working with an 18 average, a CLEC would still be looking at \$9,000,000 to construct adjacent collocations at an average central office. Moreover, the trend is to add additional RTs to existing central offices rather than new central offices.

be required to collocated in or adjacent to up to 20 RTs as compared to one central office should DLC line sharing not be a requirement. Moreover, other unforeseen costs will be likely. SBC, for example, seeks to charge special construction charges (through the ECS the cost of which is still unknown) making CLECs pay for new copper even though existing copper could lay stranded due to SBC's decision to hardwire the existing copper to the RT. Because the "hardwiring" of copper to a DLC is not unique to SBC or Project Pronto, DLC line sharing will, in a large majority of cases, be the only economical mass-market option for competing carriers. Consequently, CLECs will continue to be substantially impaired and effectively precluded from providing data services to end users without the availability of DLC line sharing regardless of the availability of collocation space.⁶

F. Sharing of the Feeder Fiber

Sharing of the feeder fiber is not only technically feasible in many circumstances as noted by Rhythms in its response to the NGDLC Unbundling Notice, such sharing is necessary for customers served by these facilities to have a competitive choice of providers. In the Project Pronto architecture, SBC already does exactly what Rhythms proposes. Data transmissions are aggregated and carried along a shared fiber to an ATM switch, that SBC calls an optical concentration devise ("OCD"). The ATM switch than separates the traffic to the appropriate data provider. As such, the technical feasibility has been proven as to NGDLC line sharing since the technical equivalent has already been deployed by SBC.⁷

⁶ In IP's comments in related proceedings, IP has estimated that the cost of an adjacent collocation to be \$500,000. IP has also explained that the cost and delay associated with RT collocation prohibits the use of RT collocation as a mass-market strategy effectively precluding DSL competition for residential and small business customers' service by such DLCs. To lend further evidentiary support to this point, IP incorporates by reference the February 13-15, 2001 transcripts from the Kansas DSL unbundling proceeding (Kansas Docket No. 97-SWBT-411-GIT, *In the Matter of Southwestern Bell Telephone Company-Kansas' Compliance with Section 271 of the Federal Telecommunications Act of 1996*). IP incorporates those transcripts herein as if set forth at length and will provide a copy of the transcripts upon request.

⁷ The fact that SBC refers to its offering as a service is irrelevant to a determination of technical feasibility. SBC's deployment of a line-shared service as opposed to providing line sharing through an unbundled arrangement was based on SBC policy not technical specifications.

The remaining task should be to determine whether other DLC configurations could support line sharing. To assure full implementation, the assumption should be in favor of a finding of technical feasibility with the incumbent having the burden of demonstrating that this method or any other method to facilitate DLC line sharing is not technically feasible for a requested facility or deployed technology

G. Shared Fiber is Part of the Loop

In paragraph 62, the Commission seeks comment as to whether the requirement to share the feeder fiber should be based on the definition of a loop as being the “entire transmission Path from the end user customer to the central office.” Absolutely. Loop plant has traditionally been defined as the entire transmission path. The fact that there are feeder components and distribution components is not new. The fact that the feeder component is sometimes provisioned over copper and sometimes provisioned over fiber in a DLC environment is not new. And, the fact that the fiber component would be shared amongst multiple providers because the DLC architecture has aggregation qualities is not new.

Today and even before the *UNE Remand Order*, incumbents have been required to provide UNE loops from the customer’s premises to the central office even when a DLC architecture is utilized. The fact that this existing and on going requirement was developed in the “voice” world is irrelevant. FTA section 251 does not contemplate a more restrictive definition of the term loop when a competitor is providing data services. Instead, the “entire” path from customer to central office is the loop regardless of the aggregation devices the incumbent uses in its network. Not only is it illogical to limit the definition of a loop based on the type of service being provided, incumbents would be given perverse incentives with regard to their loop plant management if they could restrict CLEC access to UNEs based on a deployment decision.

Regarding the specific question of whether remote terminals should be treated like a central office, IP cautions against such an approach. Such a logical construct could have broad ramifications on collocation, transport, loop and interconnection rules; all of the implications of such changes will not be readily apparent or obvious. Moreover, such a broad modification simply is not necessary. As discussed above, the type of shared usage over a DLC fiber is not new but has instead been a consistent 251 requirement. The only change is the sharing that takes place over such fiber has traditionally been among numerous customers rather than multiple services for the same customer. While such a distinction may be interesting, it certainly does not affect the characterization of the facility, which has been and continues to be shared fiber feeder.

H. Unbundled Packet Switching as a Means to Share Fiber Capacity

In paragraph 63, the Commission seeks comment on the use of unbundled packet switching as a means to access the shared capacity of feeder fiber. In an NGDLC architecture, unbundled packet switching will be a means to access shared fiber capacity. Unbundled Packet Switching will allow the management of virtual circuits within the shared fiber feeder while an ATM switch at the central office location or superior concentration point will allow for the separating of traffic to the various competitors.

On the other hand, the Commission should be careful to avoid an implied intent that by referring to Unbundled Packet Switching as a singular item that there is an intent to allow incumbents to require a one-size-fits-all limitation on how the fiber feeder will be shared. As has been discussed in response to other notices, there are a number of different quality of services (“QoSs”) that can be delivered over a shared fiber feeder. Moreover, different services require a different type of QoS. As an example, unspecified bit rate will often be an efficient QoS for surfing on the Internet. However, unspecified bit rate will be inadequate for a competitor that is

attempting to provide data services for customers that wish to video conference, support telemedicine, access video on demand, or engage in voice conversations.

Also in paragraph 63 and in paragraph 64, the Commission points to the limitations on unbundled packet switching that are in the Commission's existing rules. IP would suggest that a CLEC will be prohibited from being able to effectively compete with incumbents if such limitations are maintained. Even when there is collocation space at a remote terminal, CLECs will be at a substantial competitive disadvantage if they are not given access to unbundled packet switching. First, the collocation option would imply an analysis that "if the incumbent could place DSLAMs in the remote terminal, then the CLEC should be able to as well." Such an analysis misses critical real world differences. Incumbents are not collocating standalone DSLAMs in the remote terminals. Instead, they are placing integrated voice/data functionality that is seamlessly interwoven into the incumbent network. Such integration has the benefit of direct access to copper subloop and shared economies of scale with the incumbent voice network. SBC, for example, has stated that when using Alcatel's remote terminal equipment, one-third of the channel banks will be able to support customers using DSL while two-thirds of the channel banks will be for plain old telephone service only. Regarding the direct access to copper cabling, since the copper cabling is hard spliced to the incumbent's equipment, the incumbent will have easy access to the copper. Competitors collocating DSLAMs at a remote terminal will not have access to this copper. Instead, other arrangements will be necessary to bridge the copper gap from the remote terminal to the SAI. Even SBC admits this problem by offering its engineering controlled splice ("ECS"). Unfortunately, such band-aid approaches are by their very nature poor substitutes to the direct access enjoyed by the incumbent's equipment. With an ECS, for example, competitors will have additional costs, provisioning delays, and potential for fault that will not affect the incumbent.⁸ The FCC's rules should first delete the

⁸ As a technical matter, there will be no spare copper loops available at the remote terminal. As SBC has explained in its Project Pronto filings, when the copper is hardwired to the remote terminal, there is not a copper access point available for interconnection at the remote terminal. Copper subloop would only be available at the

restrictions on the availability of packet switching. Over the past year as Project Pronto has been implemented and for the reasons discussed above, it has been clear that CLECs collocating DSLAMs will not have a reasonable opportunity to compete for and serve customers.⁹ More striking is the tremendous costs CLECs would have to incur to engage in such remote terminal collocation. The limitations of collocating with a Pronto remote terminal became most apparent during a sight visit managed by Texas PUC arbitrators as part of the Texas line sharing hearing. The awkward, poorly accessibly, cylindrical space would be nearly impossible to use in a commercial environment by one collocator, let alone multiple collocators.¹⁰

The Commission asks to the extent the Commission considers a multi-element configuration to be a UNE-data platform, how would such a platform be defined. From a conceptual standpoint, it is helpful to build from the analogy of the UNE Platform. Such an analogy recognizes that multiple elements when in a combined form are able to benefit from enhanced capabilities, i.e. the whole can be greater than the sum of the parts. The UNE Platform analogy is also helpful to reinforce that the existence of a platform does not diminish the need for unbundling the separate elements. Different competitors will develop different business plans and service delivery strategies. The benefits of competition would be reigned in if carriers were limited to the data platform. The platform analogy is also helpful to reinforce that just because a platform is ordered, CLECs are not limited in obtaining the full capabilities of the elements comprising the platform. In other words, a voice CLEC using UNE-P is able to access all of the vertical feature capabilities of the switch as well as line class codes and advanced intelligent network (“AIN”) triggers. Similarly, CLECs utilizing what might be called a UNE-data platform

SAI. SBC has been consistent in its position that copper made available through its ECS is not considered by SBC to be subloop.

⁹ Supra ft. 6.

¹⁰ Texas PUC Docket Nos. 22168 and 22469, *Petition of IP Communications Corporation to Establish Expedited Public Utility Commission of Texas Oversight Concerning Line-Sharing Issues and Complaint of COVAD Communications Company and Rhythms Links, Inc. Against Southwestern Bell Telephone Company and GTE Southwest Inc. For Post-Interconnection Agreement Dispute Resolution and Arbitration Under the Telecommunication Act of 1996 Regarding Rates, Terms, Conditions and Related Arrangements for Line-Sharing*, respectively. The dialogue engaged in during the tour was transcribed and is part of the Texas Line Sharing proceeding.

must have access to all technically feasible QoS of the fiber, port capacities of the central office ATM device, line card capabilities that can technically be developed for the remote terminal-based DLC, etc.¹¹

Finally, the Commission asks how the impairment analysis would be applied to unbundled packet switching and the UNE-data platform. First, it should be noted that in the Line Sharing Reconsideration Order, the Commission already clarified that ILECs must provide line sharing over DLC. As such, the Commission has already completed the necessary “impairment” analysis finding that CLECs would be impaired. Secondly, to the extent the Commission seeks more information to support the unbundling of NGDLCs, IP refers the Commission to the transcript from the Kansas DSL unbundling proceeding that contains substantial and detailed discussion outlining the clear impairment that would result should line sharing over DLC not be ordered.¹² IP also refers to the overlapping discussion in its comments regarding NGDLC unbundling.

CONCLUSION

IP appreciates the Commission’s efforts in developing the sixth public notice to assist the development of clear rules that can be implemented by incumbents and competitors without substantial disagreement. IP is hopeful that expeditious resolution of the fifth notice and this

¹¹ Although there are hopeful aspects to the analogy to the UNE platform, IP opposes the use of the term UNE-data platform because from a service delivery standpoint, the term has some false implications. The combined UNEs in and of themselves are not sufficient to provide an end user’s service. IP, for example, when using such unbundled elements first has to take its segregated traffic to its ATM backbone for further routing.

¹² Said transcript has already been incorporated into these comments as if set forth at length. The deadline for post-hearing briefs in the Kansas proceeding follows the deadline for comments in this proceeding, IP cannot assist the Commission by providing a copy of the post hearing brief as an attachment to these comments. However, assuming that incumbent’s argue that CLECs cannot meet the impairment test, IP will attach said brief to its reply comments.

notice along with rapid implementation by incumbents will allow data competition to finally develop in a fair and efficient manner. IP remains concerned that incumbents are currently able to gain substantial advantages in the marketplace while these issues are being addressed and litigated. The Commission must move carefully; however, as each day passes the opportunity for developing a level playing field further diminishes.

Respectfully submitted,

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